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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/994,479	01/30/2001	GUNTHER SCHIMMEL	HOE96/HO15J	6673

7590 06/27/2006

CLARIANT CORPORATION  
INDUSTRIAL PROPERTY DEPARTMENT  
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CHARLOTTE, NC 28216

EXAMINER
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BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 08/994,479	<b>Applicant(s)</b> SCHIMMEL ET AL.	
	<b>Examiner</b> Charles I. Boyer	<b>Art Unit</b> 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 23-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. A preliminary amendment was received January 30, 2001 which the examiner believes was intended to correct multiple dependent claims. There were two pages to this document, however, only page 2 was scanned and placed in the file. For purposes of this action, the examiner will assume that the claims have been corrected, and they will be examined on the merits, however, applicants are requested to resubmit the preliminary amendment in their reply to this action so that the record is clear and complete.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Before citing the references against the present claims, the examiner would like to state for the record that due to the inordinate breadth of the present claims, requiring only a silicate and polycarboxylate, the examiner maintains that a thorough search is impossible. Silicates and polycarboxylates are extremely common detergent additives, such that the examiner estimates there are hundreds of references that would anticipate

at least claim 1 of the present application. The examiner has taken into consideration the present invention as a whole, in order to identify the closest prior art, which art is cited below. Applicants should be aware however, that there are many other references that could have been cited against the present invention. Any response from applicants to the references cited below that does not also address the fact that their claims are extremely broadly written, together with a clear statement of what applicants consider to be the novelty of their invention, will likely not be successful in rendering these claims allowable.

2. Claims 1-6, 8-16, 23, 25, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilkinson, US 5,736,502.

Wilkinson teaches granular detergent compositions prepared by mixing 2.4% polyacrylate in solution with 10% layered silicate granules, as well as surfactants, bleaches, builders and enzymes (col. 11, example 3). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

3. Claims 1-7, 10, 23, 24, 26, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldstein, US 5,663,133.

Goldstein teaches an automatic dishwashing detergent comprising 17% silicate, and 6% polyacrylate polymer as well as surfactants, bleaches, and builders (col. 26, example III). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Art Unit: 1751

4. Claims 1-16 and 23-27 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Baillelly et al, US 5,773,400.

Baillelly et al teach granular detergent compositions prepared by mixing 10% crystalline layered silicate and 4% acrylic/maleic acid copolymer, as well as surfactants, bleaches, builders and enzymes (col. 18, example I-C). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. The examiner notes that the aa/ma copolymer is added in the agglomerate. It is well known in the art that this copolymer may be added in liquid form to serve as a binder for agglomeration. However, it is also possible to add the copolymer as a solid and have a different liquid binder. It is not clear from the reference if the copolymer of example I-C is in liquid or particulate form, however, it certainly is in one form or the other. In any case, as aa/ma is well known as a detergent additive in either liquid or particulate form, it is obvious to one of ordinary skill in the art to add the aa/ma copolymer in either of these forms, according to the needs of the formulator.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art is cumulative to, or less pertinent than the references relied upon above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

Art Unit: 1751

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571 272 1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Charles I Boyer  
Primary Examiner  
Art Unit 1751